

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARTELL HARPER,

Petitioner,

v.

Civil Case No. 19-10232  
Honorable Linda V. Parker

SHERRY BURT,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR  
RECONSIDERATION (ECF NO. 13)**

Petitioner, Martell Harper, filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, raising eight grounds for relief. On December 12, 2022, the Court issued an Opinion and Order denying the petition for writ of habeas corpus, denying certificate of appealability, and granting permission for Petitioner to appeal *in forma pauperis*. (ECF No. 11.) The matter is presently before the Court on Petitioner's Motion for Reconsideration, ECF No. 13, of this Court's decision denying habeas relief. For the reasons that follow, the Court is denying the motion.

**Applicable Standard**

Eastern District of Michigan Local Rule 7.1 (h) governs motions for reconsideration. As currently written, the rule provides as following with respect

to non-final orders such as the decision on Defendant's motion to dismiss:

(2) Non-Final Orders. Motions for reconsideration of non-final orders are disfavored. They must be filed within 14 days after entry of the order and may be brought only upon the following grounds:

(A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;

(B) An intervening change in controlling law warrants a different outcome; or

(C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

E.D. Mich. L.R. 7.1(h)(2). "A motion for reconsideration is not intended as a means to allow a losing party simply to rehash rejected arguments or to introduce new arguments." *Southfield Educ. Ass'n v. Bd. of Educ. of Southfield Pub. Schs.*, 319 F. Supp. 3d 898, 901 (E.D. Mich. 2018).

### **Analysis**

In the motion, Petitioner maintains that the Court should reconsider its Order, but fails to provide any specific arguments that the Court made a mistake, cite to an intervening change in controlling law, or present new facts that may warrant a different outcome. E.D. Mich. L.R. 7.1(h)(2). Instead, Plaintiff attempts to re-argue his claim (Claim IV) regarding the trial court Jury Instructions being defective. The arguments proffered here were previously presented before the

Court and addressed in the Court's December 12, 2022 decision. (ECF No. 11 at Pg ID 1255–57.) As stated above, motions for reconsideration are not a vehicle “to rehash rejected arguments[.]” *See Southfield Educ. Ass’n*, 319 F. Supp. 3d at 901. As such, the Court will not re-address this claim.

### **Conclusion**

For the reasons stated, the Court finds no mistake in its December 12 Order that warrants a different outcome. *See* E.D. Mich. L.R. 7.1(h)(2).

Accordingly,

**IT IS ORDERED** that Petitioner's Motion for Reconsideration (ECF No. 13) is **DENIED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: June 21, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 21, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager